

THURSDAY, APRIL 18, 1985

THIRTY-SEVENTH LEGISLATIVE DAY

The House met at 9:00 a.m. and was called to order by Mr. Speaker McWherter.

The proceedings were opened with prayer by Elder Don Burkhalter, Arbor Primitive Baptist Church, Lynchburg, Tennessee.

Representative Murray led the House in the Pledge of Allegiance to the Flag.

The roll call was taken with the following results:

Present 88

Representatives present were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dills, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Kent, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Starnes, Stallings, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--88.

The Speaker announced that Representative Treadway was excused because of a special election.

The Speaker announced that Representative DeBerry was excused because of personal business.

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The Speaker announced that Representative Larry Turner was excused because of a personal commitment.

The Speaker announced that Representative Jones was excused because of a personal commitment.

The Speaker announced that Representative Robinson (Hamilton) was excused because of a death in family.

The Speaker announced that Representative Brewer was excused because of personal reasons.

The Speaker announced that Representative Dixon was excused because of personal business.

The Speaker announced that Representative Drew was excused because of personal business.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Joint Resolution No.:

274--Relative to commending Crystal Gayle; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos.:

157--To make certain provisions, commission on aging;

212--To regulate municipal bonds; both substituted for Senate Bills on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

ENROLLED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bills Nos. 157 and 212; House Joint Resolutions Nos. 260 and 274; and find same correctly enrolled and ready for the signatures of the Speakers.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

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SIGNED

The Speaker announced that he had signed the following: House Bills Nos. 157 and 212; and House Joint Resolutions Nos. 260 and 274.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution No.:

111--Relative to honoring Paul Newman; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos.:

286--To regulate sales and use tax, amusements;

606--To regulate joint custody preference, minor children;

610--To regulate compensatory damages, uninsured motorist coverage;

792--To regulate taxation, wine production;

1022--To regulate removal of vegetation, private property, certain counties; all passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

CALENDAR

House Bill No. 620--To enact School Nutrition Standards Act.

Mr. Cobb moved that House Bill No. 620 be passed on third and final consideration.

Mr. Cobb moved to amend a follows:

AMENDMENT NO. 1

Amend House Bill No. 620 by adding a new subsection to Section 3 which shall read as follows:

(1) Provide that the established work day of certificated personnel shall not, without compensation, be lengthened as a result of this act and that the principal not be in charge of the

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lunch program in any county where a system-wide school food service manager is available.

On motion, the amendment was adopted.

Mr. Cobb moved to amend as follows:

AMENDMENT NO. 2

Amend House Bill No. 620 by deleting in its entirety SECTION 3 subsection (j) which reads as follows:

(j) Require the commisisioner to waive the requirements of Section 2(b) for an individual school for each year that a local education agency demonstrates: (1) that the implementation of a school breakfast program would cause an unavoidable and unreasonable disruption of schedule which would substantially impair the ability of the school to maintain a proper educational program, (2) the cumulative annualized participation in the school breakfast program is less than fifty (50) students and the school has complied with Section 2(b) or (3) that the implementation of the program would cause the expenditure of state or local education funds for which reimbursement under the Federal Child Nutrition Act of 1966, as amended, is unavailable or inadequate.

and substituting instead the following:

(j) "Allow the local school board to waive the requirements of Section 2(b) for any individual school for each year that the board determines at to a public meeting of the board with notice and right to be heard to any person who has, in writing, requested to be notified of the consideration of such waivers: (1) that the implementation of a school breakfast program would cause an unavoidable and unreasonable disruption of schedule which would substantially impair the ability of the school to maintain a proper educational program, (2) the cumulative annualized participation in the school breakfast program is less than fifty (50) students and the school has complied with Section 2(b) or (3) that the implementation of the program would cause the expenditure of state or local education funds for which reimbursement under the Federal Child Nutrition Act of 1966, as amended, is unavailable or inadequate.

Mr. Work moved to amend Amendment No. 2.

Mr. Cobb moved that House Bill No. 620 be placed on the Calendar for Wednesday, April 24, 1985, which motion prevailed.

House Bill No. 502--To provide certain jurisdiction, general sessions courts.

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On motion, House Bill No. 502 was made to conform with Senate Bill No. 233.

On motion, Senate Bill No. 233, on same subject, was substituted for House Bill No. 502.

Mr. Murphy moved that Senate Bill No. 233 be passed on third and final consideration.

Mr. Murphy moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 233 by deleting from the amendatory language of Section 1 the words "original unlimited jurisdiction" and by substituting instead the words "unlimited original jurisdiction."

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 233, as amended, passed its third and final consideration by the following vote:

Ayes	88
Noes	1

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlée, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dills, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Kent, Kernell, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter --88.

Representative voting no was: Shirley--1.

A motion to reconsider was tabled.

House Bill No. 402--To amend Section 18-1-501, Code.

On motion, House Bill No. 402 was made to conform with Senate Bill No. 327.

On motion, Senate Bill No. 327, on same subject, was substituted for House Bill No. 402.

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Mr. Murphy moved that Senate Bill No. 327 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	86
Noes	0
Present and not voting	1

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dills, Duer, Ellis, Frensley, Gafford, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Kent, Kernell, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner, C. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--86.

Representative present and not voting was: Moore (Shelby)--1.

A motion to reconsider was tabled.

Mr. Speaker McWherter relinquished the Chair to Mr. Bivens, Speaker pro tem.

House Bill No. 682--To make provisions, funds derived from vending stands.

On motion, House Bill No. 682 was made to conform with Senate Bill No. 340.

On motion, Senate Bill No. 340, on same subject, was substituted for House Bill No. 682.

Mr. Miller moved that Senate Bill No. 340 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	85
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dills, Duer, Ellis, Frensley, Gafford, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Kent, Kernell, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Shirley, Stafford,

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Stallings, Starnes, Swann, Tanner, Turner (Hamilton), Turner, C. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--85.

A motion to reconsider was tabled.

House Bill No. 72--To allow auctioneers court costs and attorney fees.

Mr. Covington moved that House Bill No. 72 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	87
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dills, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Kent, Kernell, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--87.

A motion to reconsider was tabled.

House Bill No. 792--To create the Regional Resource Authority.

Mr. Curlee moved that House Bill No. 792 be passed on third and final consideration.

Mr. Hillis moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 792 by adding the following language at the end of Section 16:

Nothing in this act shall prevent a person or business entity who generates or produces solid waste upon property owned, leased, or rented by the person or business entity to separate or cause to be separated recyclable materials therefrom while the solid waste is on the property and either (1) to maintain title to the recyclable materials for his own use or (2) to dispose of the recyclable materials by sale or gift provided the separation and disposition neither creates a public nuisance nor is otherwise injurious to the public health, welfare, and safety.

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Nothing this act shall prevent a person from purchasing or receiving by gift recyclable materials for processing or other use when the recyclable materials have been separated and disposed of in a strict accordance with the preceding paragraph.

On motion, the amendment was adopted.

Mr. Hillis moved to amend as follows:

AMENDMENT NO. 2

Amend House Bill No. 792 by deleting the word "therewith" from item 5 of Section 4 and by substituting instead the following:

therewith; provided, however, that if such solid waste is not located in Bedford, Coffee, Franklin, Lincoln, or Moore County, then such contract, agreement or other arrangement shall not be valid unless it is approved by a two-thirds (2/3) vote of the board of directors of the authority and a two-thirds (2/3) vote of the legislative body of the county or municipality from which such solid waste is to be removed, received, transported, collected, purchased, transferred or otherwise obtained, notwithstanding the source of such waste;

On motion, the amendment was adopted.

Mr. Murray moved to amend as follows:

AMENDMENT NO. 3

Amend House Bill No. 792 by deleting the words "the exercise of the eminent domain or otherwise," in items 3 and 4 of Section 4.

AND FURTHER AMEND by deleting Section 5 in its entirety and by renumbering subsequent sections accordingly.

On motion, the amendment was adopted.

Thereupon, House Bill No. 792, as amended, passed its third and final consideration by the following vote:

Ayes	81
Noes	3
Present and not voting	2

Representatives voting aye were: Bell, Bivens, Bragg, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dills, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Kent, Kernell, Kisber, Love, May, McAfee, McCroskey, McNally, Miller, Moore (Shelby), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Pruitt,

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Rhinehart, Ridgeway, Robinson (Davidson), Scruggs, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Ussery, Webb, West, Wheeler, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter --81.

Representatives voting no were: Bewley, Severance and Whitson --3.

Representatives present and not voting were: Henry and Lawson --2.

A motion to reconsider was tabled.

House Bill No. 315--To require certain genetic testing, newborn infants.

On motion, House Bill No. 315 was made to conform with Senate Bill No. 84.

On motion, Senate Bill No. 84, on same subject, was substituted for House Bill No. 315.

Ms. Montgomery moved that Senate Bill No. 84 be passed on third and final consideration.

Mr. Starnes moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 84 by adding to Section 1 after the word "appropriate" in the last sentence in Part 1, Section 4 (1) the words "for the preventive treatment of mental retardation or physical dysfunction".

And further amend by adding to Section 1 between the words "defects" and "as determined" in Part 2, Section 1 of said Section the words "that would result in mental retardation or physical dysfunction".

On motion, the amendment was adopted.

Ms. Montgomery moved to amend as follows:

AMENDMENT NO. 2

Amend Senate Bill No. 84 by inserting the following new section before the effective date section and by renumbering the effective date section accordingly:

SECTION ____. If any provision of this act or the application thereof to any person or circumstance is held

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invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 84, as amended, passed its third and final consideration by the following vote:

Ayes	87
Noes	0
Present and not voting	2

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dills, Duer, Ellis, Frensey, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Kent, Kernell, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter --87.

Representatives present and not voting were: Cobb and Murphy--2.

A motion to reconsider was tabled.

Ms. Peroulas moved that House Bill No. 772 be placed on the Calendar for Thursday, April 25, 1985, which motion prevailed.

House Bill No. 774--To allow taxpayers to round off amounts, sales tax.

On motion, House Bill No. 774 was made to conform with Senate Bill No. 926.

On motion, Senate Bill No. 926, on same subject, was substituted for House Bill No. 774.

Ms. Peroulas moved that Senate Bill No. 926 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	87
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb,

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Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dills, Duer, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Kent, Kernell, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Moody, Moore (Shelby), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--87.

A motion to reconsider was tabled.

House Bill No. 735--To make provisions, circuit court clerks, Jackson County.

Mr. Winningham moved that House Bill No. 735 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	87
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dills, Duer, Ellis, Frensley, Gafford, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Kent, Kernell, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--87.

A motion to reconsider was tabled.

House Bill No. 987--To limit use of traps in certain counties.

On motion, House Bill No. 987 was made to conform with Senate Bill No. 1044.

On motion, Senate Bill No. 1044, on same subject, was substituted for House Bill No. 987.

Mr. Swann moved that Senate Bill No. 1044 be passed on third and final consideration, which motion prevailed by the following vote:

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Ayes 88
Noes 0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dills, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Kent, Kernell, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter --88.

A motion to reconsider was tabled.

House Bill No. 291--To authorize sale of bonds, library at Tennessee Tech.

Mr. Rhinehart moved that House Bill No. 291 be passed on third and final consideration.

Mr. Bewley moved the previous question, which motion failed by the following vote:

Ayes 53
Noes 30

Representatives voting aye were: Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Clark (Davidson), Clark (Sumner), Collier, Covington, Crain, Cross, Davidson, Davis (Gibson), Davis (Knox), DePriest, Dills, Duer, Ellis, Gafford, Gaia, Hillis, Hobbs, Hurley, Ivy, Jared, Kisber, Love, McAfee, May, Murray, Naifeh, Napier, Peroulas, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Washington), Shirley, Stafford, Starnes, Turner, B. (Hamilton), Turner, C. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Winningham, Wix, Work, Yelton and Mr. Speaker McWherter--53.

Representatives voting no were: Bell, Chiles, Cobb, Curlee, Darnell, Davis (Cocke), Frensley, Gill, Harrill, Hassell, Henry, Huskey, Kent, Kernell, Lawson, McCroskey, McNally, Montgomery, Moody, Moore (Shelby), Nance, Phillips, Scruggs, Severance, Stallings, Swann, Tankersley, Williams, Wolfe and Wood--30.

Mr. Rhinehart moved the previous question, which motion prevailed.

Thereupon, House Bill No. 291, passed its third and final consideration by the following vote:

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Ayes 67
Noes 20

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Clark (Davidson), Clark (Sumner), Cobb, Collier, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Gibson), DePriest, Dills, Duer, Ellis, Gafford, Gaia, Garrett, Gill, Hillis, Hobbs, Hurley, Ivy, Jared, Kent, Kernell, Kisber, Lawson, Love, McCroskey, Miller, Montgomery, Murphy, Murray, Naifeh, Nance, Napier, Phillips, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Washington), Shirley, Stafford, Stallings, Starnes, Tanner, Turner (Hamilton), Turner, C. (Shelby), Ussery, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Work, Yelton and Mr. Speaker McWherter--67.

Representatives voting no were: Chiles, Davis (Cocke), Davis (Knox), Frensley, Harrill, Hassell, Henry, Huskey, May, McAfee, McNally, Moody, Moore (Shelby), Peroulas, Scruggs, Severance, Swann, Tankersley, Webb and Wood--20.

A motion to reconsider was tabled.

House Bill No. 790--To authorize use of volunteers, corrections.

On motion, House Bill No. 790 was made to conform with Senate Bill No. 810.

On motion, Senate Bill No. 810, on same subject, was substituted for House Bill No. 790.

Mr. Kernell moved that Senate Bill No. 810 be passed on third and final consideration.

Mr. Miller moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 810 by deleting the fourth section of Section 1, subsection (b), which reads as follows:

(b) Volunteers shall be provided liability insurance in accordance with the definition of a volunteer.

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 810, as amended, passed its third and final consideration by the following vote:

Ayes 88
Noes 0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb,

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Collier, Copeland, Covington, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dills, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Kent, Kernell, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter --88.

A motion to reconsider was tabled.

House Bill No. 14--To provide for character education in school.

On motion, House Bill No. 14 was made to conform with Senate Bill No. 31.

On motion, Senate Bill No. 31, on same subject, was substituted for House Bill No. 14.

Mr. Love moved that Senate Bill No. 31 be passed on third and final consideration.

Mr. Work moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 31 in amendatory subsection (c)(1) of Section 1 by deleting the first sentence thereof and substituting instead the following:

Each local education agency may provide a character education curriculum in grades kindergarten (K) through six (6), approved by the state board of education.

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 31, as amended, passed its third and final consideration by the following vote:

Ayes	87
Noes	2

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), DePriest, Dills, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Kent, Kernell, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore

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(Shelby), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--87.

Representatives voting no were: Davis (Knox) and Swann--2.

A motion to reconsider was tabled.

House Joint Resolution No. 222--Relative to addressing Reelfoot Task Force membership.

Mr. Tanner moved that House Joint Resolution No. 222 be adopted.

Mr. Hillis moved to amend as follows:

AMENDMENT NO. 1

Amend House Joint Resolution No. 222 by including an additional member to be appointed to the Reelfoot Lake Task Force by the Commissioner of Conservation.

On motion, the amendment was adopted.

Thereupon, House Joint Resolution No. 222, as amended, was adopted by the following vote:

Ayes	87
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dills, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Kent, Kernell, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter --87.

A motion to reconsider was tabled.

House Bill No. 1030--To amend Emergency Communications Districts Law.

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On motion, House Bill No. 1030 was made to conform with Senate Bill No. 1016.

On motion, Senate Bill No. 1016, on same subject, was substituted for House Bill No. 1030.

Mr. Miller moved that Senate Bill No. 1016 be passed on third and final consideration.

Mr. Miller moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 1016 by inserting in the amendatory language of Section 1 the word "Service" after the word "Public" and before the word "Commission".

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 1016, as amended, passed its third and final consideration by the following vote:

Ayes	87
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dills, Duer, Ellis, Frenslley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Kent, Kernell, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter --87.

A motion to reconsider was tabled.

Mr. Clark (Davidson) moved that House Bill No. 669 be placed on the Calendar for Thursday, May 2, 1985, which motion prevailed.

Mr. Covington moved that House Bills Nos. 170 and 782 be placed on the Calendar for Monday, April 22, 1985, which motion prevailed.

Mr. Tanner moved that House Bill No. 756 be placed on the Calendar for Thursday, May 2, 1985, which motion prevailed.

CONSENT CALENDAR

OBJECTION

An objection was filed to the following resolution on the Consent Calendar:

Mr. Severance objected to House Joint Resolution No. 263.

Under the rules, House Joint Resolution No. 263 was placed at the foot of the Calendar for Monday, April 22, 1985.

House Joint Resolution No. 256--Relative to congratulating Marilyn Taylor.

House Joint Resolution No. 261--Relative to honoring Giles County High School girls' basketball team.

House Joint Resolution No. 262--Relative to commending Judge Larry Potter.

House Joint Resolution No. 264--Relative to congratulating Perry County High School boys' basketball team.

Mr. Gill moved that House Joint Resolutions on the Consent Calendar be adopted, which motion prevailed by the following vote:

Ayes	89
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dills, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Kent, Kernell, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--89.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Joint

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Resolution No.:

270--Relative to comending Jeffrey R. Ensor; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, Senate Bill No.:

562--To regulate certain motor vehicle registration.

The Senate concurred in House Amendments Nos. 1 and 3, and nonconcurred in House Amendments Nos. 2, 4, 5 and 6.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, Senate Bill No.:

188--To provide certain recognition, certain high school pupils.

The Senate nonconcurred in House Amendments Nos. 1, 2 and 3.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, Senate Bill No.:

377--To regulate issuance, placards, handicapped.

The Senate nonconcurred in House Amendment No. 1.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

NOTICE PURSUANT TO RULE NO. 58

Pursuant to Rule No. 58, sponsors gave notice of their intentions to consider the following measures from the Senate on Monday, April 22, 1985:

House Bill No. 268--Gill

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House Bill No. 538--McCroskey

Senate Bill No. 377--Yelton

Senate Bill No. 562--Yelton

SECOND ROLL CALL

A roll call was taken with the following results:

Present 89

Representatives present were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dills, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Kent, Kernell, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--89.

INTRODUCTION OF RESOLUTIONS

House Joint Resolution No. 265--Relative to commending Helen Redick--By Kent.

Under the rules, House Joint Resolution No. 265 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 266--Relative to congratulating Ernest E. Robinson--By Bragg.

Under the rules, House Joint Resolution No. 266 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 267--Relative to honoring Joel Shore --By Bragg.

Under the rules, House Joint Resolution No. 267 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 268--Relative to commending James Marolyn Tucker--By Phillips.

Under the rules, House Joint Resolution No. 268 was referred to the Committee on Calendar and Rules.

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House Joint Resolution No. 269--Relative to honoring Judy Carter, Jane Samuels, and Wanda Sue Ray--By McNally.

Under the rules, House Joint Resolution No. 269 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 271--Relative to congratulating Crockett County High School cheerleaders--By Dills.

Under the rules, House Joint Resolution No. 271 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 273--Relative to honoring Representative Dana Elizabeth Moore--By Mr. Speaker McWherter and Murphy.

Under the rules, House Joint Resolution No. 273 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 275--Relative to urging all Tennessee utilities' participation in National Child Watch Campaign--By Severance, Davis (Knox), Turner (Hamilton), Hurley, Davis (Cocke), Robinson (Washington), McCroskey, Webb, Ridgeway, Whitson, Buck, Montgomery, Yelton, Moore (Sullivan), Harrill, Duer, McAfee, Dills, Wood, Starnes, Hillis, Bragg, Gill, Crain, Stafford, Miller, Drew, Naifeh, Scruggs, Davis (Gibson), Peroulas and Tanner.

The Speaker referred House Joint Resolution No. 275 to the Committee on State and Local Government.

House Joint Resolution No. 276--Relative to honoring Decatur County Riverside High School boys' basketball team--By Ivy.

Under the rules, House Joint Resolution No. 276 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 277--Relative to congratulating Frank Hughes High School girls' basketball team--By Ivy.

Under the rules, House Joint Resolution No. 277 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 278--Relative to congratulating Scotts Hill High School boys' basketball team--By Ivy.

Under the rules, House Joint Resolution No. 278 was referred to the Committee on Calendar and Rules.

INTRODUCTION OF BILLS

House Bill No. 1079--To make certain provisions, Oneida--By Winningham.

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Passed first consideration.

House Bill No. 1080--To create municipal court, Dayton--By Duer.

Passed first consideration.

House Bill No. 1083--To amend Charter, Lebanon--By Bell.

Passed first consideration.

House Bill No. 1084--To amend Charter, Lebanon--By Bell.

Passed first consideration.

House Bill No. 1085--To regulate taxation, Oneida Special School District--By Winningham.

Passed first consideration.

HOUSE BILLS ON SECOND CONSIDERATION

House Bill No. 1077--To amend Road Law, Dickson County.

Passed second consideration and held without reference.

House Bill No. 1078--To amend Chapter 86, Public Acts, 1985.

Passed second consideration and referred to Committee on Finance, Ways and Means.

House Bill No. 1081--To make certain provisions, Lake City.

Passed second consideration and held without reference.

House Bill No. 1082--To authorize certain tax, Lake City.

Passed second consideration and held without reference.

REPORT OF COMMITTEE ON CALENDAR AND RULES

MR. SPEAKER: Your Committee on Calendar and Rules begs leave to report that we have met and set the following bills on the Calendar for Monday, April 22, 1985: House Bills Nos. 696, 327, 718, 304, 1022, 859, 898, 767 and 874; and Senate Bill No. 1048.

GILL, Chairman.

LOCAL BILL REFERRED TO CALENDAR AND RULES

In accordance with Rule No. 47, the following local bill, having received authorization for passage by the local legislative delegation, was transmitted to the Committee on Calendar and Rules: House Bill No. 1077.

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REPORT OF COMMITTEE ON CALENDAR AND RULES

CONSENT CALENDAR

MR. SPEAKER: The officers of your Committee on Calendar and Rules beg leave to report that we have met and set the following bill on the Consent Calendar for Monday, April 22, 1985: House Bill No. 1077; and House Joint Resolutions Nos. 236, 265, 266, 267, 268, 269, 271, 273, 276, 277, 278.

GILL, Chairman.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Joint Resolutions Nos.:

142--Relative to study, program for conjugal visits, inmates;

144--Relative to program for training work release inmates; both concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Joint Resolutions Nos.:

230--Relative to congratulating Burleigh Davis;

231--Relative to honoring Hampton High School basketball team;

233--Relative to congratulating Downtown Kingsport Optimist Club;

234--Relative to memory, former Representative Parnell Taylor;

237--Relative to congratulating Bolton High School boys' basketball team;

240--Relative to honoring U.T. Mens' Basketball team; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Joint

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Resolutions Nos.:

180--Relative to support, Southern Industrial Banking Corporation legislative;

202--Relative to congratulating Dyersburg High School boys' basketball team.

204--Relative to congratulating Carroll Oakland girls' basketball team.

205--Relative to congratulating Austin-East School boys' basketball team;

206--Relative to honoring Coach John B. Foster;

207--Relative to honoring Jane Eaton;

208--Relative to honoring William David Swanner;

210--Relative to commending Susan R. Roth;

211--Relative to congratulating Rhea County High School boys' basketball team;

213--Relative to congratulating Karns High School boys' basketball team;

214--Relative to congratulating Unicoi County High School boys' basketball team;

215--Relative to congratulating Unicoi County High School girls' basketball team;

216--Relative to memory, John L. Rucker;

217--Relative to proclaiming October 6-12, 1985, "Tennessee Children's Week";

218--Relative to commending students, Green Elementary School;

219--Relative to congratulating Lebanon High School boys' basketball team;

220--Relative to congratulating Swanson, Inc.;

221--Relative to congratulating Union City High School Band;

224--Relative to congratulating Dorothy Hyder;

225--Relative to congratulating Truman C. Tucker;

228--Relative to honoring Unaka High School basketball team;

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229--Relative to congratulating Gene Quarles; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos.:

410--To enact the "Tennessee Homestead Act";

966--To regulate contract funds retained, improvement of real estate;

1009--To increase amount, employee suggestion award program; all substituted for Senate Bills on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

ENROLLED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Joint Resolution No. 270; and find same correctly enrolled and ready for the signatures of the Speakers.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

SIGNED

The Speaker announced that he had signed the following: House Joint Resolution No. 270.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos. 157 and 212; also, House Joint Resolutions Nos. 260, 270 and 274; all signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have

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transmitted to the Governor the following: House Bills Nos. 157 and 212; and House Joint Resolutions Nos. 260, 270 and 274; for his action.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

SPONSOR ADDED

Without objection, the rules were suspended to allow the following member to add his name as sponsor to the bill as indicated below, the prime sponsor having agreed to such addition:

House Bill No. 792--Phillips

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos.:

484--To provide for audits, human resource agencies;

565--To regulated taxation, pollution control equipment;

582--To make certain provisions, mining;

631--To regulate service of process, tax suits;

655--To regulate use, community grant funds;

1065--To exempt certain persons from wheel tax, Campbell County;

1069--To amend Local Option Revenue Act;

1070--To regulate board of highway commissioners, Hickman County;

1071--To amend Charter, Dayton;

1072--To amend Charter, Dayton;

1073--To enact Johnson City Downtown Development Authority Act; all substituted for Senate Bills on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution No.:

121--Relative to congratulating Coach Jim Whitby and boys'

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basketball team; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos.:

178--To regulate school attendance;

258--To make certain provisions, property taxes;

412--To regulate insanity defense, criminal trials;

714--To regulate certain secured transactions;

869--To regulate Fiscal Review Committee;

927--To require taxes, certain rental spaces;

972--To regulate conduct of election, telephone cooperatives;

977--To regulate subsidy, County Correction Incentives Act; all passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

ENGROSSED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bills Nos. 72, 291, 735 and 792; and House Joint Resolutions Nos. 222, 256, 261, 262 and 264; and find same correctly engrossed and ready for transmission to the Senate.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

On motion of Mr. Naifeh, the House adjourned until 5:00 p.m., Monday, April 22, 1985.